

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7415

BILL NUMBER: HB 1603

NOTE PREPARED: Jan 10, 2009

BILL AMENDED:

SUBJECT: Service Animals.

FIRST AUTHOR: Rep. Leonard

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: For purposes of the law providing that a person with a disability is entitled to be accompanied by a guide dog in any public accommodation without an extra charge, this bill expands the definition of "public accommodation" to include various educational entities. The bill also provides that an employer, employment agency, labor organization, or joint labor-management committee must allow an employee with a disability to keep a guide dog, hearing dog, or assistance dog with the employee at all times.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: This bill expands the definition of public accommodations. This bill can potentially increase the number of Class C infractions assessed against individuals that either refuse or charge fees to individuals that have either a disability or impairment and require the assistance of a guide dog to access public accommodations.

Penalty Provision: The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Additionally, the legislation provides that a covered entity may not interfere with the use of a specially trained dog or that a covered entity may not bar a disabled employee from using a specially trained dog. This provision may increase civil litigation to the extent that covered entities violate the provisions of the law and parties seek redress through civil action.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 (or \$70 for an infraction) would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

Court Fee Revenue: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee (or \$70 for an infraction) that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.